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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,481	02/10/2004	Wen Hsiang Yueh	MR1957-845	8938
4586	7590	01/27/2006		
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER VO, THANH DUC	
			ART UNIT	PAPER NUMBER
			2189	
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,481

Applicant(s)

YUEH, WEN HSIANG

Examiner

Thanh D. Vo

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/10/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Application filed on February 10, 2004.

Claims 1-10 are presented for examination. Claims 1-10 are pending.

No IDS has been submitted prior this Office Action.

Drawings

2. The drawings are objected to because not several of the item shown in Fig. 1 and 2 are not labeled correspond to their functionalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "said memory card" in line 18. There is insufficient antecedent basis for this limitation in the claim. Since claim 2 disclosed a memory card therefore Examiner will consider claim 3 is dependent of claim 2.

Claim 5 recites the limitation "said voice transmission and encoder/decoder unit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Since claim 4 disclosed a voice transmission and encoder/decoder unit therefore Examiner will consider claim 5 as dependent of claim 4.

Claim 9 recites the limitation "said remote blue tooth electronic device" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim. Since claim 8 disclosed a remote blue tooth electronic device therefore Examiner will consider claim 9 as dependent of claim 8.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,6, and 10 are rejected under 35 U.S.C. 102(e) as being unpatentable by Peng et al (U.S. Pub. 2003/0233480).

As to claim 1, Peng et al. disclosed a PDA has a MP3 player capability storage device (See paragraph 0022 and Fig. 1) with income-call displaying function, which has an earphone and a microphone and comprises:

a memory control module coupled to at least one memory for storing a digital data is inheritance feature of a PDA, MP3 player, or any personal storage device in order to store data and processing information;

a signal processing module coupled to said earphone, said microphone and said memory control module for processing said digital signal (See paragraph 0034). In addition, signal processing module is an inheritance feature in order for a PDA to process an audio content from a microphone and output the content to a earphone.

a blue tooth module coupled to said memory control module and said signal processing module for receiving a remote data signal and replying a modulation signal (See paragraph 005);

a monitor coupled to said memory control module for displaying a digital data transmitted from said signal processing module is an inheritance feature of PDA or MP3 player in order to display the information and provide the user a graphical interface to easily and conveniently navigated the device.

As to claim 6, an MP3 personal storage device, wherein said monitor displayed a broadcast information produced after processing MP3 digital file by said signal processing module in an inheritance feature in the audio player art. A monitor display is extremely useful and a well known method to display a current track or song title at or before the time of the applicant's invention.

As to claim 10, Peng et al. further disclosed, wherein said digital data is a MP3 digital file that could be stored in said memory directly. See paragraph 0022.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al. (U.S. Pub. 2003/0233480)

As to claim 2, Peng et al. did not explicitly disclose all of the functionalities of a PDA or an MP3 in details but it would have been obvious to one having an ordinary skill in the art at the time of the applicant's invention to realize that a PDA/MP3 must include

a memory reader in order to read a content from a memory card so that the user make changes or saving the data in to said memory card.

In addition, it would have been obvious to one having an ordinary skill in the art at the time of the applicant's invention to have a memory card that is detachable to the personal storage device since the user can easily replace the current memory card with a larger or expanded storage space.

As to claim 3, although Peng et al. did not explicitly disclosed the storage device wherein the memory card is a flash memory card but it would have been obvious to one having an ordinary skill in the art at the time of the applicant's invention to realize that a flash memory can store permanent information so that the data will not be lost once the device is turned off.

6. Claims 4, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al. (U.S. Pub. 2003/0233480) applied to claim 1 above, and further in view of Ng et al. (U.S. Pub. 2004/0254661).

As to claim 4, Peng et al. failed to disclosed a personal storage device wherein said signal processing module comprises:

a voice transmission and encoder/decoder unit used to encode/decode a voice and convert data between digital format and analog format;

an MP3 decoder used to decode the MP3 digital file to a voice signal for outputting to said earphone.

Ng et al. disclosed a voice transmission and encoder/decoder unit used to encode/decode a voice and convert data between digital format and analog format (See paragraph 0026);

an MP3 decoder used to decode the MP3 digital file to a voice signal for outputting to said earphone (See paragraph 0026).

Peng et al. and Ng et al. are from the same field of endeavor, MP3 audio and signal processing.

At the time of the applicant's invention it would have been obvious to one having an ordinary skill in the art to combine the system of Ng et al. with the PDA disclosed by Peng et al. to arrive at the invention claim in claim 4. The motivation of doing so is efficiently convert and transmit the MP3 content from a device to a speak or earphone while avoid any extra latency if the content is being process by additional encoder/decoder.

As to claim 5, the monitor displayed an income-call signal that was produced from said voice transmission and encoder/decoder unit by decoding said remote data signal is an inheritance feature in the current art. A PDA or an MP3 player is required to have a display/monitor in order to display the content of current song title or an application that is running in the PDA. Therefore, a monitor to display an income-call signal is also required in the system in order to display a message indicating an incoming message/request from an external device.

As to claim 8, Peng et al. disclosed a PDA/MP3 player has a capability of communicating with other devices but failed to explicitly disclose the blue tooth module is coupled to said memory control module and wireless transmission in digital data with a remote blue tooth electronic device so as to transmit data between said memory control module and said remote blue tooth electronic device.

Ng et al. further disclosed a detail specifications of the implementation of a blue tooth module that coupled to a memory control module and wireless transmission in digital data with a remote blue tooth electronic device so as to transmit data between said memory control module and said remote blue tooth electronic device. See Fig. 2 and paragraphs 0026-0029.

Peng et al. and Ng et al. are from the same field of endeavor, blue tooth technology and signal processing.

It would have been obvious to one having an ordinary skill in the art at the time of the applicant's invention to combine the blue tooth technology disclosed by Ng et al. into the system of Peng et al. In addition, the communication method and the system design of Ng et al. is a well known in the blue tooth technology at the time of the applicant's invention.

The motivation of combining the system of Peng et al. and Ng et al. is to introduce a small-scale product at a low-cost since blue tooth technology uses less power and it has a smaller scale in size while performing an equivalent task of wirelessly communicating within a small local network.

Therefore, it would have been obvious to one having an ordinary skill in the art at the time of the applicant's invention to modify the system of Peng et al. to combine with the system of Ng et al. to arrive at the invention claim in claim 8.

As to claim 9, the limitation claim 9 is further repeating the limitation which has already disclosed in claim 1 and 8, wherein a remote blue tooth electronic device is a remote storage device, and said blue tooth module wireless transmission in digital data with said remote storage device. A remote blue tooth electronic device comprises of a storage device therefore it is obviously a remote storage device. In addition, the claim invention is regarding wireless blue tooth communication a digital audio format therefore the wireless transmission is with the remote storage device.

Hence, claim 9 is rejected under the same rationale as in claims 1 and 8.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al. (U.S. Pub. 2003/0233480) applied to claim 1 above, and further in view of Ekel et al. (U.S. Pub. 2002/0002707).

As to claim 7, Peng et al. disclosed a method wherein the PDA having a blue tooth module is coupled to said signal processing module and wireless transmission as in claim 1.

Peng et al. did not explicitly disclose a blue tooth cell-phone to receive the income-call.

Ekel et al. disclosed a blue tooth mobile phone and blue tooth PDA with the capability of receiving and transmitting wireless transmission data. See paragraph 0023.

Peng et al. and Ekel et al. are from the same field of endeavor, blue tooth, signal processing and personal storage device.

It would have been obvious to one having an ordinary skill in the art to realize that communicating between plurality of portable device such as PDA, cellular phone, and MP3 player is useful and well known in the current art. In addition, it would have been obvious to a one having an ordinary skill in the art at the time of the applicant's invention to make the PDA/MP3 device of Peng et al. has the capability to communicate with the cellular phone as disclosed by Ekel et al. The motivation of doing is to make use of the very convenient and useful of Bluetooth wireless technology to perform an equivalent task while producing the product at a smaller factor and lower cost.

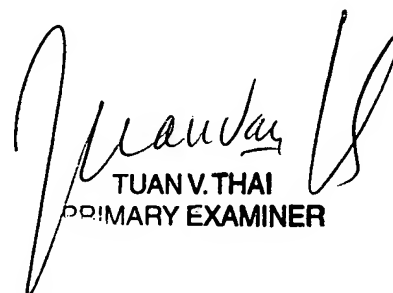
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh D. Vo whose telephone number is (571) 272-0708. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh D. Vo

Patent Examiner



TUAN V. THAI
PRIMARY EXAMINER